

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-053293

07/23/2012

HONORABLE JAY M. POLK

CLERK OF THE COURT

D. Kenney

Deputy

IN RE THE MARRIAGE OF  
THOMAS R HODGES

NORMAN M KATZ

AND

SHEILA A HODGES

SHEILA A HODGES  
UP

CONCILIATION SERVICES-NE  
FAMILY COURT SERVICES-CCC

MINUTE ENTRY

Courtroom 107 NE RCC

10:28 a.m. This is the time set for Evidentiary Hearing re: Petitioner's Petition for Contempt and Enforcement of Decree of Dissolution of Marriage re: Violations of Parenting Time and Failure to Comply with Orders re: Division of Property filed on June 10, 2011 and Respondent's Counter-Petition for Modification of Parenting Time and Child Support and Refusal to Abide by Court Orders and Parenting Plan filed on September 1, 2011. Petitioner is present with counsel, Norman Katz. Respondent is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Thomas Hodges and Sheila Hodges are sworn and testify.

After discussion, both parties advise the Court that they have reached a full agreement as to the remaining issues, which is more fully set forth on the record and summarized as follows:

- The parties agree to quash the Order of Protection issued on July 6, 2012, in the Maricopa County Superior Court. In its place will be a similar no contact order,

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whereby the parties will not have any contact with each other except for issues regarding the children. For those issues, the contact, except in cases of emergency, will be limited to written communications such as e-mails. All such written communications will only concern the children. They will be non-demeaning, non-insulting, non-harrassing, and non-accusatory. If either party violates this provision, the other party has the right as soon as possible to obtain an Order of Protection based upon that violation. As far as the parties having no contact, there will be exceptions in the sense that they can both be present for exchanges and curb-side drop offs. They can both attend counseling sessions with the children. They can both attend school events and activities; however, they are not to approach each other and shall stay as far away from each other as they possibly can.

- With regard to counseling, the parties agree that all involved will have counseling. In other words, Mother and Father will go through individual counseling. Bryce will continue with his counseling. Meagan will continue with her counseling.
- Dr. McClellan will continue to be the Court appointed Therapeutic Interventionist for Father and Bryce. Both parties agree that they can meet together with Dr. McClellan at her discretion for imposing consequences upon Bryce if he does not cooperate in the process.
- All remaining orders regarding the children shall remain in effect, and Mother shall continue to make the children available at the designated exchange times and locations.
- Mother will have the children available for Father to pick up the children today at 3:00 p.m. at the normal exchange location.
- If either party wishes information from the children's schools or events, they will do so from those facilities directly instead of requesting it from each other or relying on each other to relay that information.
- The parties agree to modify support. Commencing August 1, 2012, Father shall continue to pay spousal maintenance as previously ordered in the amount of \$250.00 per month; however, Father's child support obligation shall increase to \$1,000.00 per month. The allocation of the tax exemption shall remain as previously ordered; specifically with Father having two out of every three years and Mother having one out of every three years.

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- Instead of Father arranging for the spousal maintenance checks to be delivered to Mother directly, they shall be mailed to her on a timely basis.
- Each party shall be responsible for his/her attorney fees incurred in this matter.
- Mother states under oath that she has searched and turned over all photographs and movies to Father that she has found to date, and if she finds any other photographs or movies, she will provide Father with copies of them within two weeks of her discovering them. In the event that either party discovers new evidence with regard to photographs and/or movies being in the other party's possession and they feel this is still an issue, they can petition the Court.

With respect to the Parenting Coordinator's Report dated July 16, 2012, the parties have agreed to adopt and modify some of those recommendations. Specifically as follows:

- With respect to paragraph 2(a), the parties are in agreement that in the summers Father will return Meagan, or if both children are available, at 8:00 p.m.
- With respect to paragraph 2(b), during the summers, pick up time for Meagan, or if both children are available, would be 9:00 a.m.
- With respect to paragraph 2(c) and the Easter holiday, Father shall have the children during this holiday in even numbered years and Mother shall have this holiday in odd numbered years. With regard to Halloween, Father shall have the children during this holiday in odd numbered years and Mother shall have the children in even numbered years. On the day of each holiday, return of the children will be at 9:00 a.m. the following day.
- The parties agree to adopt recommendation 2(e) in its entirety.
- In addition to the above parenting time agreements, the parties agree that for three-day weekends, Father, when he is scheduled to have the weekend, shall return the children on Tuesday to school or 9:00 a.m. When school is not in session, he will return the children to Mother no later than 9:00 a.m. that Tuesday morning.
- By no later than 3:00 p.m. today, Father's taser/stun gun shall either be destroyed or given away so that it is not in Father's possession. Father avowals that the

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taser/stun gun will not be in his home when the children are in his physical custody.

THE COURT FINDS the settlement reached between the parties and as set forth on the record is binding upon the parties. The Court finds the agreement fair and equitable.

THE COURT FURTHER FINDS that the parties have knowingly, voluntarily and intelligently entered into the agreement. The parties have done so without duress or coercion, and they are fully informed as to the contents of this agreement. The agreement is in the best interest of the children.

Accordingly,

IT IS ORDERED approving the parties' agreement as a binding agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure.

On the Court's Own Motion,

IT IS ORDERED that the Reports of Parenting Coordinator dated July 16, 2012, March 12, 2012, and February 28, 2012, all prepared by Dr. Larry Waldman, shall be filed as confidential court reports.

Pursuant to agreement of the parties,

IT IS ORDERED quashing the Order of Protection issued at Superior Court on July 6, 2012, all in accordance with the formal written Order signed by the Court on July 23, 2012, and filed (entered) by the Clerk on the same.

ISSUED: Hearing Order

The Order of Protection is quashed electronically at 2:52 p.m. on July 24, 2012.

Confirmation No.: 58866

IT IS FURTHER ORDERED that Father shall pay to Mother monthly child support in the amount of \$1,000.00, effective August 1, 2012. These payments are to be made through the Child Support Payment Clearinghouse, P.O. Box 52107, Phoenix, Arizona, 85072-2107, pursuant to an Income Withholding Order. The payment should show the case number and/or ATLAS case number and the name of the party paying support and the name of the party who will receive the payment.

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If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change (A.R.S. 25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

LET THE RECORD REFLECT that an Income Withholding Order is initiated electronically by the above-named deputy.

Confirmation No.: 377458

IT IS FURTHER ORDERED denying Petitioner's Accelerated Motion to Set and Consolidate a Hearing on Order of Protection with Evidentiary Hearing Set for July 23, 2012, at 9:00 a.m. as moot.

IT IS FURTHER ORDERED that both parties shall separately attend and complete a High Conflict Resolution class no later than **October 31, 2012**. Based on this order you will be registered and notified by mail of the date/time/location of the class. If you have any questions regarding the class to which you have been assigned please call 602-506-6124. A **\$50** fee is required to attend the class. Please present the instruction form or this Court Order with payment at any Clerk of Superior Court filing counter at least 5 days prior to your scheduled class. Each party must bring a copy of the payment or deferral receipt, or a confirmation number of a telephonic transaction to class to be admitted.

**WARNING**

**IF YOU APPEAR LATE OR ATTEMPT TO ATTEND THE CLASS WITHOUT CONFIRMATION OF PAYMENT (AS DEFINED ABOVE) YOU WILL BE TURNED AWAY FROM THE CLASS. IF YOU FAIL TO ATTEND THE CLASS OR ARE TURNED AWAY, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. IF YOU CANNOT ATTEND FOR ANY REASON, YOU MUST REQUEST AND BE GRANTED PERMISSION TO RESCHEDULE YOUR ATTENDANCE AT LEAST 24 HOURS BEFORE THE SCHEDULED CLASS. PLEASE CALL THE NUMBER LISTED ABOVE IF YOU NEED TO REQUEST TO RESCHEDULE YOUR ATTENDANCE.**

IT IS FURTHER ORDERED that neither parent shall make any derogatory comments about the other parent or the other parent's family, spouse, or significant other, or permit others

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to make such comments, in the children's presence. Each parent shall encourage love and respect between the children and the other parent and shall not do anything that might undermine the other parent's relationship with the children.

IT IS FURTHER ORDERED that neither parent shall discuss, or permit others to discuss, this case, including the issues raised in the case, with the children. Likewise, neither parent shall discuss custody or other legal issues with the children unless necessary to protect their physical, emotional, or moral welfare. In addition, neither parent shall share, or provide others to share, with the children any pleadings, motions, minute entries, or other documents relating to this case. Both parents shall ensure that the children have no access to any pleadings, motions, minute entries, or other documents related to this case.

IT IS FURTHER ORDERED that neither parent shall relocate the residence of the children outside of the state of Arizona or to a distance greater than 100 miles from the current residential locations unless that parent first secures the written consent of the other or secures a court order authorizing the move.

The Court notes that any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change (A.R.S. 25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

11:15 a.m. Matter concludes.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/ s / HONORABLE JAY M. POLK

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JUDICIAL OFFICER OF THE SUPERIOR COURT

FILED: Report of Parenting Coordinator dated July 16, 2012; Hearing Order re: Order of Protection;

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.